IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4858 OF 2006

Shri Yallappa Gangaram Kuradhe,
since deceased by his L.Rs...
a) Suresh Y Kuradhe and ors .. Petitioners

Vs

Vishwanath Dattatraya Karhadkar
and ors. Respondents.

Mr V.S.Gokhale, for the peitioners.
Mr Tejas Deshpande, for respondent no.5.

CORAM : D.B.BHOSALE,J.
DATE : 19.09.2006

PC:

1. Heard the learned counsel for the parties.

2. Rule. Returnable forthwith. Mr.Deshpande, learned counsel, waives service for the respondents. By consent, rule is heard forthwith.

3. The petitioners have impugned the order dated 18.3.2006 by which the application at Exhibit-93 filed by the petitioners-defendants for setting aside "no evidence order" dated 5.10.2005 has been rejected. I perused the order and the other material placed before me. The learned counsel for the parties have fairly stated that I need not record reasons and have agreed for the following order.

(a) On the petitioners paying Rs.2000/- cost to the respondents-plaintiffs within one week from today, the

order impugned shall stand quashed and set aside. Similarly, "no evidence order" dated 5.12.2005 also shall stand quashed and set aside. The petitioners will be allowed to lead evidence and conclude it as expeditiously as possible and preferably within a period of three months from the date of receipt of this order. The trial Court shall proceed with the hearing of the suit and dispose it of as expeditiously as possible and preferably within a period of eight months from the date of receipt of this order.

(b) If the petitioners fail to pay the cost, as aforesaid, within one week from today, the order impugned shall operate and in that case the court may proceed with hearing of the suit and decide the same expeditiously.

. The rule is accordingly disposed of.

(D.B.BHOSALE,J.)